

BEFORE THE
Federal Communications Commission RECEIVED
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MAY - 7 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

Vacant FM Allotment (Amherst, NY))

MB Docket No. 04-120

RM - 10931

To. Secretary, Federal Communications Commission

COMMENTS

Youngshine Media, Inc ("Youngshine"), hereby voices its continuing support of the allotment plan set forth in the Notice of Proposed Rule Making ("NPRM") released in the above-referenced proceeding on April 14, 2004 (DA 04-963). The NPRM, issued in response to Youngshine's Petition for Rulemaking, proposes the amendment of Section 73.202(b) of the Commission's Rules to reserve Channel 221A, allotted to Amherst, New York, for noncommercial, educational ("NCE") use.

Youngshine hereby re-states its present intention to file an application with the Commission for a construction permit to build the proposed facilities, if the instant proposal is adopted. Furthermore, in the event that a construction permit is awarded to Youngshine, it intends to promptly construct those facilities, begin operating pursuant to Commission authorization and file the appropriate application for a license to cover the construction permit.

In the NPRM, the Commission noted that Youngshine had demonstrated compliance with the criteria established by the Commission in for NCE FM reservation requests¹ Youngshine

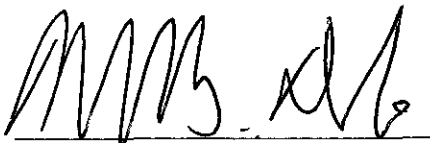
¹ NPRM at ¶ 3. See In the Matter of Reexamination of the Comparative Standard for Noncommercial Educational Applicants, Second Report and Order, 18 FCC Rcd 6691 (2003) ("Second NCE FM Report and Order"), at ¶¶ 34-40. See also Public Notice, "Media Bureau

herein incorporates by reference the Engineering Statement of David Dickmann of du Treil, Lundin and Rackley, Inc. (the "Dickmann Statement") submitted as part of its Petition for Rulemaking. As the Dickmann Statement indicated, the proposed station would provide a second NCE service to at least 10% of its proposed service area, and that area consists of at least 2,000 persons. In addition, the Dickmann Statement established a rebuttable presumption that all reserved band NCE FM Class A channels are technically precluded from operating at the reference coordinates for Amherst.

WHEREFORE, IN LIGHT OF ALL CIRCUMSTANCES PRESENT, it is respectfully requested that the FM Table of Allotments, Section 73.202(b) of the Commission's rules, be amended to reserve Channel 221A in Amherst, NY for NCE use.

Respectfully submitted,

YOUNGSHINE MEDIA, INC.

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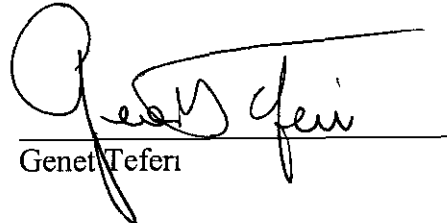
Dated May 7, 2004
164766.1

Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments," DA 03-2990, rel. Sept. 30, 2003.

CERTIFICATE OF SERVICE

I, Genet Teferi, a secretary at the law firm of Fleischman and Walsh, L.L.P., hereby certify that a copy of the foregoing "Comments" was served this 7th day of May, 2004, via hand delivery, upon the following:

Rolanda F Smith
Audio Division – Media Bureau
Federal Communications Commission
Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554



Genet Teferi